

ADMINISTRATION OF JUSTICE:

55. Have you, or any member of your family, or close friend ever taken a course in the administration of justice, or studied law? If yes, please give details.

56. Have you, or any member of your family, or close friend ever been affiliated with any of the following? (if yes, please check):

- ☐ law enforcement (police officer, sheriff, F.B.I. agent, etc).
- ☐ corrections (prison guard, jailer, prison staff, jail staff)
- ☐ mental institution
- ☐ juvenile facilities
- ☐ probation and parole
- ☐ District Attorney or United States Attorney
- ☐ public defender
- ☐ law school
- ☐ investigative work
- ☐ immigration services
- ☐ drug enforcement administration

57. If you checked any of the above, please indicate who was affiliated, the nature of the affiliation, and when.

58. Do you have acquaintances who are attorneys practicing criminal law or judges? If yes, please state the names of those persons and the relation that you have with them?

PSYCHIATRY/PSYCHOLOGY:

59. How do you feel about psychiatrists and/or psychologists testifying as experts in court cases?

60. Are you familiar with psychological testing? If yes, how do you feel about the validity of these tests?

61. Have you ever studied psychiatry, psychology, or any related subjects? If yes, please explain.

62. Have you or any member of your family, or close relative ever consulted a psychiatrist or psychologist for professional services?

63. Did this consultation affect your opinion about the value of psychiatry or psychology? If yes, please explain.

60. Are you familiar with psychological testing? If yes, how do you feel about the validity of these tests?

61. Have you ever studied psychiatry, psychology, or any related subjects? If yes, please explain.

62. Have you or any member of your family, or close relative ever consulted a psychiatrist or psychologist for professional services?

63. Did this consultation affect your opinion about the value of psychiatry or psychology? If yes, please explain.

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE
4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

August 11, 1994

Mr. Robert Grauvogel
Office of the Jury Commissioner
1st Floor - Hamilton County Courthouse
Cincinnati, Ohio 45202

HAND DELIVERED

Re: State of Ohio vs. Lee Moore
Case No.: B9400481

Dear Mr. Grauvogel:

As we discussed early yesterday, I want to confirm that the above captioned case has been reset and continued to Monday, November 7, 1994 at 9:00 A.M. before Judge Morrissey.

Additionally, as we discussed, I have enclosed the "Questionnaire" that has already been approved by the Court and which must be completed by the prospective venire on November 7th.

I will contact you immediately if there is any change in this schedule. If you have any questions, feel free to give me a call.

Sincerely yours,

Daniel J. James

DJJ/kw
Encl.

003147

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE
4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

August 11, 1994

Mr. Chuck Stidham
Attorney at Law
Sand, Stidham & Bernard
317 Benson Street
Reading, Ohio 45215

Re: State of Ohio vs. Lee Moore
Case No.: B9400481

Dear Chuck:

As I indicated to your office early yesterday, Mr. Moore's case has been rescheduled for trial on Monday, November 7, 1994 at 9:00 A.M. The court has appointed Dr. Chiappone to assist us and I ask you to gather the mitigation information and evidence you have obtained and bring it to my office within the next few days.

After I review this information, I'll give you a call to discuss the status of this material. Again, I ask you to try to get this information to me within the next several days so that we can get Dr. Chiappone started. If you have any questions, give me a call.

Sincerely yours,

Daniel J. James

DJJ/kw

003148

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE
4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

August 11, 1994

David Chiappone, Ph.D.
Community Diagnostic & Treatment Center
900 Sycamore Street
Suite #300
Cincinnati, Ohio 45202

Re: State of Ohio vs. Lee Moore
Case No.: B9400481

Dear Dr. Chiappone:

I want to thank you for your willingness to assist us in the defense of Lee Moore's case. As I indicated to your office early yesterday, the case has been continued and reset for Monday, November 7, 1994 at 9:00 A.M. before Judge Morrissey.

I will send you a copy of the Entry appointing you to assist us and, as well, will try to make arrangements to provide you with the information that we have gathered in mitigation.

Since this has been rescheduled, I hope to be out of town the week of August 22nd and will contact you as soon as I return.

Sincerely yours,

Daniel J. James

DJJ/kw

003149

DEARDORFF & HAAS
ATTORNEYS AT LAW

TIMOTHY J. DEARDORFF
LOREN S. HAAS
JAMES S. GINOCCHIO

2368 VICTORY PARKWAY, SUITE 300
CINCINNATI, OHIO 45206
(513) 872-7900
FAX 281-6760

FAX TRANSMISSION

TO:

MR JAMES

FROM:

CURT HAMILTON

DATE:

8/4/99

MESSAGE:

RE: LEE more CONTINUANCE

Fax No:

241-0154

Page one of

3

(including cover letter)

FAX NUMBER SENT FROM (513) 281-6760

If there are any questions concerning the following faxed material,
please contact Deardorff & Haas, Law Offices at (513) 872-7900.

Thank you.

003150

COURT OF COMMON PLEAS
CRIMINAL DIVISION
HAMILTON COUNTY, OHIO

STATE OF OHIO, : Case No. B-940481
 : Judge Morrissey
Plaintiff, :
 : REQUEST FOR CONTINUANCE
v. :
 :
LEE EDWARD MOORE, :
 :
Defendant. :

Now comes the Defendant, by and through counsel, and respectfully requests that this Court grant him a continuance for the trial presently scheduled to begin on August 29, 1994. The mitigation expert, a psychiatrist appointed by the Court for the Defendant has not had adequate time to interview the Defendant and prepare for the mitigation phase of the trial. This expert's testimony could determine whether the Defendant is sentenced to death.

Respectfully submitted,

DANIEL J. JAMES
Lead counsel for Defendant
Supreme Court No. 0008067
30 East Central Parkway
Cincinnati, Ohio 45202
(513) 721-1995

TIMOTHY J. DEARDORFF
Co-counsel for Defendant
Supreme Court No. 0001848
169 E. McMillan Street
Cincinnati, Ohio 45219
(513) 241-4030

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Bill of Particulars was served upon Joseph Deters, Prosecuting Attorney, 1000 Main Street, Cincinnati, OH 45202 on the same day the motion was filed.

TIMOTHY J. DEARDORFF

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE
4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

June 20, 1994

Mr. Chuck Stidham
Attorney at Law
Sand, Stidham & Bernard
317 W. Benson Street
Reading, Ohio 45215

Re: State of Ohio vs. Lee Moore
Case No. B9400481

Dear Chuck:

Please find enclosed a certified copy of the Entry Appointing Mitigation Specialist of Southwest Ohio to assist us in the defense of Mr. Moore.

This case is currently scheduled for Jury Trial before Judge Morrissey on August 29, 1994. I believe it would be best if I met with you or your associate sometime within the next week to discuss the areas to be investigated. Please call me so we can schedule an appointment.

Sincerely yours,

Daniel J. James

DJJ/kw
Encl.

003153

COURT OF COMMON PLEAS
CRIMINAL DIVISION
HAMILTON COUNTY, OHIO

STATE OF OHIO

Plaintiff

vs.

LEE MOORE

Defendant



Case No. B9400481
Judge Morrissey

ENTRY GRANTING MOTION
FOR FUNDS TO RETAIN
MITIGATION SPECIALIST

This cause came on for hearing on the motion of the defendant for an order for funds to hire a mitigation specialist to assist the defense in this case. The court finds the motion to be well taken, and IT IS HEREBY GRANTED.

IT IS FURTHER ORDERED that the defense hire a mitigation specialist of Southwest, Ohio, as such mitigation specialist, who shall be paid from public funds, as provided by law, the sum of \$35.00 per hour, for a maximum of 100 hours, for services rendered to the defense as the mitigation specialist herein.

Mark E. Piepmeier
Mark E. Piepmeier, Assistant
Hamilton County Prosecutor

Daniel J. James
Daniel J. James #0008067
Attorney for Defendant

Timothy J. Deardorff
Timothy J. Deardorff #0006308
Attorney for Defendant

A TRUE COPY OF THE ORIGINAL
ENTERED 6-20-94 IMAGE 86
ATTEST JAMES CISELL
CLERK.

BY B. Snider
DEPUTY
DATE 6-20-94

DEARDORFF & HAAS
ATTORNEYS AT LAW

TIMOTHY J. DEARDORFF
LOREN S. HAAS
JAMES S. GINOCCHIO

2368 VICTORY PARKWAY, SUITE 300
CINCINNATI, OHIO 45206
(513) 872-7900
FAX 281-6760

June 15, 1994


Mr. Dan James, Esq.
1300 American Building
30 E. Central Parkway
Cincinnati, Ohio 45202

Re: Lee Edward Moore

Dear Dan:

On June 27, 1994 I will not be able to participate in the motions before the Court on the above captioned matter. I will be in Florida returning from vacation and will not be back until later that evening. I do not believe that my presence will be necessary on the 4 motions that have been presented. I will hope you explain to our client my absence and look forward to the trial date.

Very truly yours,

DEARDORFF & HAAS

TIMOTHY J. DEARDORFF

TJD/jp

003155

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE
4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

June 7, 1994

Mr. Mark A. Piepmeier
Assistant Hamilton County Prosecutor
914 Main Street
2nd Floor
Cincinnati, Ohio 45202

Re: State of Ohio vs. Lee Moore
Case No.: B9400481

Dear Mark:

Please find enclosed a copy of the Entry of Continuance concerning the resetting of the trial date on this case for August 29, 1994. Mr. Moore has signed this Entry and I left the original with Judge Morrissey's clerk for filing. If you have any questions, give me a call.

Sincerely yours,

Daniel J. James

DJJ/kw
Encl.

003156

HAMILTON COUNTY
COURT OF COMMON PLEAS
CRIMINAL DIVISION

STATE OF OHIO

CASE No. B- 9400481

Plaintiff

vs.

ENTRY OF CONTINUANCELee Moore

Defendant

This matter is hereby continued:

 (At the request of the State) (At the request of the defendant) X (By agreement of counsel for the
State and counsel for the
defendant) (On the Court's Order)

and with the Court's consent

from the 26 day of July, 1994to the 29 day of August, 1994 at 1000 A.M.

for the purpose of:

 (DSC) (Sentencing) (Plea or Trial Setting) (Motions) X (Trial) (Probation Violation)

for the reason that scheduling conflicts of counsel. Defendants
waives time during this continuance and accompanying
speedy trial rights.

Mark E. Piepmeyer 0006894
Assistant Prosecuting Attorney

Denise L. Jones 1074
Attorney for Defendants

Lee Moore Jr
Defendant

003157

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE
4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

June 3, 1994

Mr. Timothy J. Deardorff
Attorney at Law
2368 Victory Parkway
Suite #300
Cincinnati, Ohio 45206

Re: State of Ohio vs. Lee Moore
Case No.: B9400481

Dear Tim:

To keep you apprised of the most recent events concerning Mr. Moore's case:

1. Yesterday I appeared before Judge Cartolano and observed the selection of the two additional judges. They are: Judge Winkler and Judge O'Connor. We need to discuss this panel, however, my preference is to withdraw the jury waiver and let a jury decide the fate of Mr. Moore.
2. Today I met with Mr. Piepmeier in Judge Morrissey's Court Room and a new trial date of August 29, 1994 was assigned. Let me know if this is a problem for you. Judge Morrissey is not available the first week of August and will be out of town at a conference from mid-September through the end of October.
3. I have prepared an Entry appointing Chuck Stidham as our Mitigation Specialist. I hope to get a copy to him next week.

Please call me with any suggestions.

Sincerely yours,

Daniel J. James

DJJ/kw

003158

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE
4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

June 3, 1994

Mr. Timothy J. Deardorff
Attorney at Law
2368 Victory Parkway
Suite #300
Cincinnati, Ohio 45206

Re: State of Ohio vs. Lee Moore
Case No.: B9400481

Dear Tim:

To keep you apprised of the most recent events concerning Mr. Moore's case:

1. Yesterday I appeared before Judge Cartolano and observed the selection of the two additional judges. They are: Judge Winkler and Judge Cartolano. We need to discuss this panel, however, my preference is to withdraw the jury waiver and let a jury decide the fate of Mr. Moore.
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3. I have prepared an Entry appointing Chuck Stedham as our Mitigation Specialist. I hope to get a copy to him next week.

Please call me with any suggestions.

Sincerely yours,

Daniel J. James

DJJ/kw

003159

DEARDORFF & HAAS
ATTORNEYS AT LAW

TIMOTHY J. DEARDORFF
LOREN S. HAAS
JAMES S. GINOCCHIO

2368 VICTORY PARKWAY, SUITE 300
CINCINNATI, OHIO 45206
(513) 872-7900
FAX 281-6760

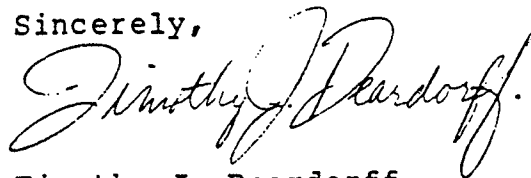
June 1, 1994

Daniel J. James
13th Floor, American Building
30 East Central Parkway
Cincinnati, OH 45202

Re: State of Ohio vs. Lee Moore

Dear Mr. James,
Please find the enclosed copies of the motions you requested.

Sincerely,



Timothy J. Deardorff

TJD/amh

003160

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE
4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

May 25, 1994

Timothy J. Deardorff
Attorney at Law
2368 Victory Parkway
Suite 300
Cincinnati, Ohio 45206

Re: State of Ohio vs. Lee Moore

Dear Tim:

I have enclosed a list of motions that I will file this week concerning Lee Moore.

I have reviewed the list of motions that you sent to me back in February and there are a few that I would ask you to send to my office for review. They are as follows:

- Motion To Exclude Death Penalty Because Electrocution Is Cruel And Unusual Punishment
- Motion To Require The Jury To Articulate The Method By Which It Weighs The Aggravating Circumstances Against The Mitigating Factors
- Second Voir Dire Of Jury
- Motion To Prohibit Display Of Evidentiary Exhibits Until Admitted
- Motion To Exclude References To Defendant's Criminal Record And To Exclude Any Evidence Relating To Other Crimes, Wrongs Or Acts
- Motion To Prohibit Any Evidence Bearing In The Character Of The Victim

003161

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- Motion To Have Reasons For Defendant's Objection And For Overruling Defendant's Objections Placed Of Record
- Motion To Decrease Burden Of Proof To Beyond All Doubt At The Penalty Phase

There are also several additional motions that will probably be directed toward the State's evidence pertaining to photographs, diagrams, etc., but I would like to wait until I have specifically reviewed these exhibits.

Finally, I ask you to give me a call so that we can discuss a few things. Mark Piepmeier called me and asked me to consider re-setting this so that Joe Deters can try the case. I would certainly welcome the additional time to prepare but I have no desire to provide Joe with an opportunity for additional publicity. Give me a call when you get a chance.

Sincerely yours,

Daniel J. James

DJJ/kw
Encl.

LEE MOORE
B9400481
JUDGE MORRISSEY

1. Motion To Dismiss Indictment
2. Motion To Submit Questionnaire To Prospective Jurors
3. Motion For Individual Sequestered Voir Dire
4. Motion For Disclosure Of Witnesses' Statements Prior To Trial
5. Motion To Compel Disclosure Of Information Relating To Mitigating Factors
6. Motion For Extension Of Time To File Pretrial Motions
7. Motion To Prohibit Prosecutor From Arguing And The Court From Giving Instructions Regarding Statutory Mitigating Factors Not Raised By The Defense
8. Motion To Allow The Defense To Argue First And Last At The Mitigation Phase
9. Motion To Prohibit References To The Jury That A Verdict As To Death Is Only A Recommendation
10. Motion To Increase The Number Of Peremptory Challenges Which Defendant May Exercise
11. Motion For Disclosure Of Rebuttal Witnesses
12. Motion For Comprehensive Voir Dire
13. Motion For Disclosure Of Impeaching Information
14. Motion To Permit Defense To Admit All Relevant Evidence Of Sentencing Phase
15. Motion To Prohibit Prosecutor From Commenting On Accused's Unsworn Statement
16. Motion In Limine To Limit Prosecutor's Argument To The Aggravating Circumstance Proven At The Guilt Phase
17. Motion To Prohibit Death Qualification Of Jury